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09300SB2499sam002

LRB093 20563 RLC 49006 a

1 AMENDMENT TO SENATE BILL 2499

2 AMENDMENT NO. _____. Amend Senate Bill 2499, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 21-3 as follows:

7 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)
8 Sec. 21-3. Criminal trespass to real property.

9 (a) Whoever:

10 (1) knowingly and without lawful authority enters or
11 remains within or on a building; or

12 (2) enters upon the land of another, after receiving,
13 prior to such entry, notice from the owner or occupant that
14 such entry is forbidden; or

15 (3) remains upon the land of another, after receiving
16 notice from the owner or occupant to depart; or

17 (4) enters upon one of the following areas in or on a
18 motor vehicle (including any all-terrain vehicle, off-road
19 vehicle, snowmobile, motorcycle, moped or any other
20 powered two, three, or four wheeled vehicle or any
21 motorized wheeled or tracked vehicle ~~an off-road vehicle,~~
22 ~~motorcycle, moped, or any other powered two wheel~~
23 ~~vehicle~~), after receiving prior to that entry, notice from
24 the owner or occupant that the entry is forbidden or

1 remains upon or in the area after receiving notice from the
2 owner or occupant to depart:

3 (A) any field that is used for growing crops or
4 which is capable of being used for growing crops; or

5 (B) an enclosed area containing livestock; or

6 (C) or an orchard; or

7 (D) a barn or other agricultural building
8 containing livestock;

9 commits a Class B misdemeanor.

10 For purposes of item (1) of this subsection, this Section
11 shall not apply to being in a building which is open to the
12 public while the building is open to the public during its
13 normal hours of operation; nor shall this Section apply to a
14 person who enters a public building under the reasonable belief
15 that the building is still open to the public.

16 (b) A person has received notice from the owner or occupant
17 within the meaning of Subsection (a) if he has been notified
18 personally, either orally or in writing including a valid court
19 order as defined by subsection (7) of Section 112A-3 of the
20 Code of Criminal Procedure of 1963 granting remedy (2) of
21 subsection (b) of Section 112A-14 of that Code, or if a printed
22 or written notice forbidding such entry has been conspicuously
23 posted or exhibited at the main entrance to such land or the
24 forbidden part thereof.

25 (c) This Section does not apply to any person, whether a
26 migrant worker or otherwise, living on the land with permission
27 of the owner or of his agent having apparent authority to hire
28 workers on such land and assign them living quarters or a place
29 of accommodations for living thereon, nor to anyone living on
30 such land at the request of, or by occupancy, leasing or other
31 agreement or arrangement with the owner or his agent, nor to
32 anyone invited by such migrant worker or other person so living
33 on such land to visit him at the place he is so living upon the
34 land.

1 (d) A person shall be exempt from prosecution under this
2 Section if he beautifies unoccupied and abandoned residential
3 and industrial properties located within any municipality. For
4 the purpose of this subsection, "unoccupied and abandoned
5 residential and industrial property" means any real estate (1)
6 in which the taxes have not been paid for a period of at least 2
7 years; and (2) which has been left unoccupied and abandoned for
8 a period of at least one year; and "beautifies" means to
9 landscape, clean up litter, or to repair dilapidated conditions
10 on or to board up windows and doors.

11 (e) No person shall be liable in any civil action for money
12 damages to the owner of unoccupied and abandoned residential
13 and industrial property which that person beautifies pursuant
14 to subsection (d) of this Section.

15 (f) This Section does not prohibit a person from entering a
16 building or upon the land of another for emergency purposes.
17 For purposes of this subsection (f), "emergency" means a
18 condition or circumstance in which an individual is or is
19 reasonably believed by the person to be in imminent danger of
20 serious bodily harm or in which property is or is reasonably
21 believed to be in imminent danger of damage or destruction.

22 (g) Trespass with an all-terrain vehicle.

23 (1) A person may not operate a motor vehicle or
24 motorized all-terrain vehicle (including any off-road
25 vehicle, snowmobile, motorcycle, moped or any other
26 powered two, three, or four wheeled vehicle) or any
27 motorized wheeled or tracked vehicle licensed or not
28 licensed all-terrain vehicle on land without the
29 permission of the owner, operator, or tenant of the land. A
30 violation of this subsection (g) is a Class B misdemeanor.

31 (2) The owner, operator, or tenant of the land may
32 recover damages in a civil action against the trespasser.
33 The court shall award the owner, operator, or tenant the
34 damages specified in this subsection (g). The trespasser

1 shall also be liable for court costs and the owner's,
2 operator's, or tenant's reasonable attorneys fees.

3 (3) The measure of damages shall be:

4 (A) The actual damages, but not less than \$500 if
5 the motor vehicle or motorized all-terrain vehicle
6 (including any off-road vehicle, snowmobile,
7 motorcycle, moped or any other powered two, three, or
8 four wheeled vehicle) or any motorized wheeled or
9 tracked vehicle is operated in a nature preserve area
10 as defined in Section 3.11 of the Illinois Natural
11 Areas Preservation Act; or

12 (B) Three times the actual damages, but not less
13 than \$5000, if the owner, operator, or tenant has
14 previously notified the trespasser to cease
15 trespassing; or

16 (C) Otherwise, the trespasser shall be liable for
17 actual damages, but not less than \$50.

18 (4) If the person operating the all-terrain vehicle is
19 a minor, the owner of the vehicle, and the parents and
20 legal guardians of the minor are jointly and severally
21 liable.

22 (5) Payment of the damages under this subsection (g) is
23 a defense to a criminal charge of trespass under this
24 Section, and to a charge of illegal operation of an
25 all-terrain vehicle in a nature preserve area under
26 subsection (c) of Section 11-1427 of the Illinois
27 Vehicle Code, and to all other civil actions for
28 trespass. Payment does not otherwise absolve the
29 operator of the all-terrain vehicle (including any
30 off-road vehicle, snowmobile, motorcycle, moped or any
31 other powered three or four wheeled vehicle) or any
32 motorized wheeled or tracked vehicle from compliance
33 with laws and regulations governing the operation of
34 those vehicles.

1 (6) Any not for profit organization may enforce the
2 prohibition of this subsection (g) as the owner. Any
3 not for profit organization devoted to protecting
4 land, plant life or wildlife may also enter into an
5 agreement to enforce the prohibition of this
6 subsection (g) on behalf of another owner. Collection
7 of damages, costs and attorneys fees shall be deemed to
8 be consistent with such organization's not for profit
9 status. If the attorney is an employee of such not for
10 profit organization, the amount of attorneys fees
11 shall be based on the usual and customary fees charged
12 by attorneys engaged in small claims collections in the
13 county in which the action is brought.

14 (7) The term "all-terrain vehicle" is as defined in
15 Section 1-101.8 of the Illinois Vehicle Code.

16 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626,
17 eff. 8-9-96; 90-419, eff. 8-15-97.)".